

COUNTY ROAD CUT ORDINANCE 85-1

WHEREAS, Martin County wishes to provide for the proper maintenance and use of its roads for the benefits of its citizens; and

WHEREAS, Martin County is authorized pursuant to I.C. §36-8-2-4 and I.C. §36-1-3-5 to regulate the cutting of county roads within the County; and

THEREFORE BE IT ORDAINED AND ENACTED AS FOLLOWS:

I. Definitions: Herein the following terms mean:

(a) "County Road" means any road or portion of roadway which is the responsibility of the county to maintain and repair. Such definition shall include that area which is attached to the roadway itself for the purpose of drainage, lateral support or erosion control.

(b) "Cut" means any violation of the integrity of a roadway or portion thereof or any surrounding surface thereof by digging, boring, coring, or other method of penetration into the surface thereof.

(c) "Person" means any individual, firm, association, partnership, or corporation.

II. Prohibited Acts. It shall be a violation of this ordinance for any person who shall desire to cut through or remove a portion of a county road without first obtaining permission of the Board of Commissioners of Martin County.

III. Obtaining of Permit. Any person who so wishes to cut across a County Road shall first obtain permission to do so by filing a request with the County Road Superintendent and obtaining approval thereon. In the event that the County Road Superintendent is not available, then such request may be filed with and approved by any member of the Martin County Board of Commissioners.

IV. Approval of Permit. The County Road Superintendent, or member of the Board of Commissioners, may give approval for the cut across the County Road indicated on the permit.

V. Appeal of Permit Denial. In the event that a permit should be denied by the County Road Superintendent or member of the Board of Commissioners, then the party that has been denied such permit shall have the right to appeal such denial to the entire Board of Commissioners of Martin County at its regularly scheduled meetings.

VI. Restoration of Roadway. Any person hereunder who shall cut such roadway shall replace such roadway to the same condition as was existing before the cut.

VII. Fine. Any person who shall violate the terms of this ordinance shall be subject to a fine of \$50.00 for the first violation. Any person who has been found to be in violation of this ordinance and is cited for a subsequent violation thereof shall be subject to a fine of \$250.00 for each such subsequent violation.

VIII. Effective date and Severability. This Ordinance shall take effect after it has been published once each week for two (2) consecutive weeks pursuant to I.C. §36-2-4-8(b) or July 15, 1985, whichever shall be the later. Further, if any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining part.

IX. Repeal of Prior Ordinance. Upon the effective date of this Ordinance, all prior Ordinances in conflict herewith are hereby repealed.

SO ORDAINED AND ENACTED this 1st day of July, 1985.

BOARD OF COMMISSIONERS OF
MARTIN COUNTY

Wilford Brown

Martin Low

Robert B. Greene

Attest:

Vincent J. Williams

Vincent J. Williams, Auditor

FILED
JUL 02 1985

Vincent J. Williams
Auditor of Martin County